

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|---------------------|-------------------------------|
| NATHANIEL ANDERSON, | § |
| | § |
| Defendant Below, | § No. 214, 2023 |
| Appellant, | § |
| | § Court Below: Superior Court |
| v. | § of the State of Delaware |
| | § |
| STATE OF DELAWARE, | § Cr. I.D. No. 30306671 (N) |
| | § |
| Appellee. | § |

Submitted: July 3, 2023
Decided: July 13, 2023

Before **TRAYNOR, LEGROW**, and **GRIFFITHS**, Justices.

ORDER

After consideration of the notice to show cause, the appellant's response, and the record in this matter, it appears to the Court that:

(1) On June 14, 2023, the appellant, Nathaniel Anderson, filed this appeal from a Superior Court order, dated and docketed on May 9, 2023, that summarily dismissed Anderson's successive motion for postconviction relief. Under Supreme Court Rules 6 and 11, a timely notice of appeal should have been filed on or before June 8, 2023.

(2) The Senior Court Clerk issued a notice directing Anderson to show cause why the appeal should not be dismissed as untimely filed. In response to the

notice to show cause, Anderson asked the Court to excuse the untimeliness of the appeal because his access to the prison law library was limited.

(3) A notice of appeal must be timely filed to invoke the Court’s appellate jurisdiction.¹ To be timely, a notice of appeal must be received by the Court within the applicable time period.² Unless an appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, an untimely appeal cannot be considered.³ The failure to file a timely appeal in this case is not attributable to court-related personnel.⁴ Therefore, the appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED under Supreme Court Rule 29(b).

BY THE COURT:

/s/ Abigail M. LeGrow
Justice

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² DEL. SUPR. CT. R. 10(a).

³ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁴ *See Whiteman v. State*, 2021 WL 129945 (Del. Jan. 11, 2021) (holding that untimeliness of appeal was not attributable to court-related personnel where appellant argued that his efforts to file a notice of appeal were delayed because of prison restrictions related to the COVID-19 pandemic, “including imposition of a fourteen-day quarantine period following his transfer from the violation-of-probation center and limited access to the law library”); *Johnson v. State*, 2006 WL 197180 (Del. Jan. 24, 2006) (holding that untimeliness of appeal was not attributable to court-related personnel where appellant argued that he had to wait several weeks before gaining access to the prison law library).